



*The Commonwealth of Massachusetts  
Center for Health Information and Analysis*

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## NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 12C and in accordance with M.G.L. c. 30A, as amended, the Center for Health Information and Analysis (“Center”) will hold a public hearing on Friday, June 14, 2013, at 10:00 A.M. at Two Boylston Street, Boston, MA 02116 relative to the proposal of regulation:

### 957 CMR 5.00: Health Care Claims, Case Mix and Charge Data Release Procedures

The proposed regulation, effective July 1, 2013, governs the procedures for releasing certain data collected by the Center pursuant to M.G.L. c. 12C, § 12. The regulation applies to data collected for the Center’s All Payer Claims Database (“APCD”) and the Acute Hospital Case Mix (“Case Mix”) Databases. Under the proposed regulation, all entities requesting data will be required to submit to the Center a request form or a written application identifying the data sought and the purposes for which the data is sought. The regulation further requires all entities to enter into a data use agreement with the Center prior to receiving data. Additionally, under the regulation, government agencies, payers, providers, provider organizations and researchers will be provided with access to de-identified data for the purpose of lowering total medical expenses, coordinating care, benchmarking, quality analysis and other research, administrative or planning purposes. Data will be de-identified in accordance with the standards and methods required by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). The proposed regulation also authorizes the release of patient identifiable data to payers, providers and provider organizations for the limited purpose of treatment and coordination of care, provided other applicable state and federal requirements regarding patient privacy are met. Similarly, the proposed regulation authorizes the release of patient identifiable data to government agencies, however, such data is limited to the minimum amount reasonably necessary to achieve the public purpose for which such data is sought, provided other applicable state and federal requirements regarding patient privacy are met. All other requests for APCD and Case Mix data will be reviewed by a Data Privacy Committee, comprised of Center employees or contractors with experience in data privacy and security, research and information technology, as well as a Data Release Committee, comprised of representatives from health care plans, health care providers, health care provider organizations and consumers.

The Center is proposing this regulation in order to implement the requirements of M.G.L. c. 12C, and to establish procedures for the disclosure of APCD and Case Mix data. There is no fiscal impact on cities and towns and no fiscal impact on small businesses.

Individuals who notify the Center of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify the Center of their intention to testify at the hearing by registering online at [www.mass.gov/chia/regulations](http://www.mass.gov/chia/regulations). Individuals may also submit written testimony by emailing [CHIA-Regulations@state.ma.us](mailto:CHIA-Regulations@state.ma.us). Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name and address. Individuals who are unable to submit testimony by email should mail written testimony to the Center for Health Information and Analysis, Two Boylston Street, Boston, MA 02116-4704. Written testimony must be submitted by 5:00 P.M. on Monday, June 24, 2013. Copies of the regulation are available for inspection and/or purchase at the Center for Health Information and Analysis or may be viewed at the Center's website at [www.mass.gov/chia/regulations](http://www.mass.gov/chia/regulations)